

REMARKS

This communication is in response to non-final office action mailed on February 3, 2011 rejecting claims 1, 4-5, 9-10, 13-14, 16, and 21.

Claim rejections under 35 U.S.C. § § 102 and 103

Claims 1, 13-14, and 21 were rejected under 35 U.S.C. § 102(b) as anticipated by EP 1 181 910 (“EP ‘910”).

EP ‘910 discloses at field 57 an adhesive flange 2 having a permanently attached inner ring 20 and an outer ring 21 having a separable bond 25. The inner ring 20 is sized to be “small” and so proportioned to be “flushed away” with the flushable pouch 1 (Figure 1).

EP ‘910 discloses at paragraph [0010] that the outer ring 21 is removable for disposal separately from the pouch 1.

EP ‘910 discloses at paragraph [0015] that “The forward surface of the outer ring 21 facing away from the patient has a non-adhesive backing sheet 24 **attached permanently** to it.” Emphasis added.

EP ‘910 discloses at paragraph [0016] that the release liner cited at page 3 of the office action is applied to the skin-side of the adhesive flange 2 (that is, the side of the flange 2 that is attached to the patient around the stoma).

In contrast, independent claim 1 requires:

an adhesive wafer having ... a first side having a skin securing adhesive layer, and a second side positioned to abut the rear wall of the bag, the second side including

- a first portion that is permanently secured to the rear wall of the bag and
- a second portion that is unattached to the rear wall of the bag; **an adhesive layer positioned to selectively secure the second portion of the wafer to the rear wall of the bag.**

Independent claim 1 thus requires that the second side of the adhesive wafer has two parts: a first portion that is permanently secured to the rear wall of the bag and a second portion that is unattached to the rear wall of the bag. Claim 1 further requires that the second portion

includes an adhesive layer that allows the second portion to be selectively secured to the rear wall of the bag.

EP '910 fails to teach or suggest an adhesive layer positioned to selectively secure the second portion of the wafer to the rear wall of the bag. It is believed that EP '910 teaches away from this limitation of independent claim 1 in that the purported second portion 21 of the adhesive flange 2 of EP '910 has a non-adhesive backing sheet 24 **attached permanently** to it.

The record establishes that the "second portion" of EP '910 must be that portion that is not permanently attached to the bag, which is outer ring 21. EP '910 explicitly requires the forward surface of the outer ring 21 facing away from the patient to have a non-adhesive backing sheet 24 **attached permanently** to it, such that the cited second portion of EP '910 cannot possibly be selectively secured to the rear wall of the bag as required by claim 1. Thus, EP '910 teaches away from independent claim 1.

Based on this reasoning it is respectfully requested that the rejection to claim 1 under 35 U.S.C. § 102(b) be withdrawn.

Independent claim 13 has been amended to require that the adhesive layer is provided to allow the second remaining edge part to be removable from the attachment zone and to subsequently reseal the second remaining edge part to the attachment zone.

Support for the language of amended independent claim 13 is located in the application as filed at least at page 6, lines 7-20, page 9, lines 5-8, and in Figures 1-2.

EP '910 fails to teach or suggest an adhesive layer that is provided to allow the second remaining edge part to be removable from the attachment zone and to subsequently reseal the second remaining edge part to the attachment zone, as required by amended independent claim 13.

Thus, it is respectfully requested that the rejections to claims 13-14 and 21 under 35 U.S.C. § 102(b) be withdrawn.

Claims 4-5, 9-10, and 16 were rejected under 35 U.S.C. § 103(a) as unpatentable over EP '910 in view of Thomas, U.S. Pat. No. 4,865,594 ("Thomas").

Thomas is cited as disclosing a stiffening layer.

The position of the applicant's representative is that EP '910 is respectfully believed to teach away from independent claims 1 and 13 since EP '910 explicitly requires the forward surface of the outer ring 21 facing away from the patient to have a non-adhesive backing sheet 24 attached permanently to it. Thomas fails to cure this deficiency of EP '910 such that the requisite *prima facie* case of obviousness cannot be established based on EP '910, alone or in combination with Thomas.

Thus, it is respectfully requested that the rejections to claims 4-5, 9-10, and 16 under 35 U.S.C. § 103(a) be withdrawn.

New Claims

Claims 22-23 are newly presented to particularly point out additional patentable subject matter.

Claim 22 requires that the second portion of the second side of the adhesive wafer is reseal-able to the rear wall of the bag. Support for the language of claim 22 is located in the application as filed at least at page 6, lines 7-20.

Claim 23 requires that the first portion and the second portion of the adhesive wafer are each located at an equal radial distance from the hole in the adhesive wafer. Support for the language of claim 23 is located in the application as filed at least in Figures 1-4 as permitted by MPEP § 2163 I.B.

CONCLUSION

It is believed that pending claims 1, 4-5, 9-10, 13-14, 16, and 21-23 recite patentable subject matter and are in condition for allowance.

Applicants : Ciok
Serial No. : 10/551,282
Filed : 21 August 2006
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Attorney Docket No.: 2003004-US

The Examiner is invited to telephone the undersigned if issues remain outstanding.

The office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,

Date: June 1, 2011

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